UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,674	02/09/2001	John R. Sosoka	42624/DBP/N240	8278

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EXAMINER
SOTOMAYOR, JOHN

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/780,674	SOSOKA ET AL.
	Examiner	Art Unit
	John L Sotomayor	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _06 April 2004_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Claims 37-78 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as

being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on April 6, 2004. The restriction

requirement is deemed proper and is therefore made FINAL.

Drawings

New corrected drawings are required in this application because drawings are informal

and contain numerous irregularities. Applicant is advised to employ the services of a competent

patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer

prepares new drawings. The corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The requirement for corrected drawings will not be held

in abeyance.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed

to non-statutory subject matter. Ideas in the abstract (i.e., abstract idea, law of nature, natural

phenomena, mere manipulations of data) that do not apply, involve, use, or advance the

technological arts are found to be non-statutory subject matter. The claims recite "a computer

program product for" in the preamble of each claim. Computer programs and computer program products no embodied in a physical medium are considered mere manipulations of data and are classified as abstract ideas for this reason (see MPEP 2106 (IV)(B)(1)(a)). Therefore, these claims are non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,9-12,18-21,27-30 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcus et al (US 6,739,874).

Regarding claims 1,10,19 and 28, Marcus et al discloses a computer system, method, and teaching system in which the system identifies an alphabetic character for each block resting at a particular time in each of a plurality of block stations (Col 2, lines 4-12 and Col 7, line 63 – Col 8, line14), and determines a phoneme for each identified alphabetic character (Col 9, lines 30-37).

Regarding claims 2,11,20 and 29, Marcus et al discloses a computer system, method, and teaching system comprising means to determine each of said phonemes according to a set of phonics rules and according to the alphabetic characters identified for each block resting in the block stations at a particular time (Col 9, lines 9-23).

Regarding claims 3,12,21 and 30, Marcus et al discloses a computer system, method, and

teaching system comprising the formation of a word search key from a dictionary of identified

alphabetic characters and retrieve an entry for said word search key from a dictionary of words

(Col 9, lines 48-57).

Regarding claims 9,18,27 and 36, Marcus et al discloses a computer system, method, and

teaching system comprising means to serially generate a plurality of digital drive electrodes for

capacitive coupling with a conductive layer, forming a unique pattern of bits from charged

electrodes such that the transmitting area induces a charge in a set of at least one pickup

electrode configured in a planar array, interpret as a bit pattern changes in induced charges

picked up by said electrodes, use said bit pattern as a key to a lookup table into an alphabetic

character table, and retrieve from said table the corresponding alphabetic character identifier

(Col 6).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness
      or nonobviousness.

4.   Claims 4,13,22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marcus et al in view of Oren-Chazon (US 6,727,417).

Regarding claims 4,13,22 and 31, Marcus et al discloses a computer system, method, and

teaching system in which the system utilizes location sensors to identify an alphabetic character

for each block resting at a particular time in each of a plurality of block stations (Col 2, lines 4-

12 and Col 7, line 63 – Col 8, line14), and determines a phoneme for each identified alphabetic

character (Col 9, lines 30-37). Marcus et al does not specifically disclose that depressing the

alphabetic block is the trigger to identify the character on the block so depressed. However,

Oren-Chazon teaches a computerized teaching system that uses the depression of a block

structure to trigger identification of a phoneme representing a sound as well as a sound tone,

based upon the depression of said block (Abstract and Fig 1). Therefore, it would have been

obvious to one of ordinary skill in the art to provide a computer system, method, and teaching

system in which the system utilizes location sensors to identify an alphabetic character for each

block resting at a particular time in each of a plurality of block stations, and determine a

phoneme for each identified alphabetic character based upon said identification as disclosed by

Marcus et al and in which the depression of a block structure to trigger identification of a

phoneme representing a sound as well as a sound tone is based upon the depression of said block

as taught by Oren-Chazon for the purposes of activating phoneme identification only when a user

is ready to learn.

5.   Claims 5,14,23 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Marcus et al in view of Wasowicz (US 6,511,324).

        Regarding claims 5,14,23 and 32, Marcus et al discloses a computer system, method, and

teaching system comprising means to determine each of said phonemes according to a set of

phonics rules and according to the alphabetic characters identified for each block resting in the

block stations at a particular time (Col 9, lines 9-23). Marcus et al does not specifically disclose

analyzing said phonetic relationships according to a set of phonics rules or determining for each

identified alphabetic character a phoneme according to said phonetic relationships. However,

Wasowicz teaches analyzing phonetic relationships according to a set of phonics rules and

determining for each identified alphabetic character a phoneme according to said phonetic

relationship (Col 1, line 40 – Col 2, line 8).

6.   Claims 6-8,15-17,24-26 and 33-35 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Marcus et al in view of Wasowicz in further view of Oren-Chazon.

        Regarding claims 6,15,24 and 33, Marcus et al/Wasowicz discloses a computer system,

method, and teaching system in which the system utilizes location sensors to identify an

alphabetic character for each block resting at a particular time in each of a plurality of block

stations (Col 2, lines 4-12 and Col 7, line 63 – Col 8, line14), and determines a phoneme for each

identified alphabetic character (Col 9, lines 30-37). Marcus et al/ Wasowicz does not

specifically disclose that depressing the alphabetic block is the trigger to identify the character on

the block so depressed. However, Oren-Chazon teaches a computerized teaching system that

uses the depression of a block structure to trigger identification of a phoneme representing a

sound as well as a sound tone, based upon the depression of said block (Abstract and Fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art to provide a computer

system, method, and teaching system in which the system utilizes location sensors to identify an

alphabetic character for each block resting at a particular time in each of a plurality of block

stations, and determine a phoneme for each identified alphabetic character based upon said

identification as disclosed by Marcus et al/ Wasowicz and in which the depression of a block

structure to trigger identification of a phoneme representing a sound as well as a sound tone is

based upon the depression of said block as taught by Oren-Chazon for the purposes of activating

phoneme identification only when a user is ready to learn.

Regarding claims 7,16,25 and 34, Marcus et al discloses a computer system, method, and

teaching system in which the system utilizes location sensors to identify an alphabetic character

for each block resting at a particular time in each of a plurality of block stations (Col 2, lines 4-

12 and Col 7, line 63 – Col 8, line14), and overlays a first digit of a template to coincide with the

first block station containing a block (Col 8, lines 15-25).

Regarding claims 8,17,26 and 35, Marcus et al/Wasowicz discloses a computer system,

method, and teaching system in which the system utilizes location sensors to identify an

alphabetic character for each block resting at a particular time in each of a plurality of block

stations. Marcus et al/Wasowicz does not specifically disclose a lighting feature associated with

a block station containing a pressed, identified block to light. However, Oren-Chazon teaches

that each block location that may be pressed by a user's finger has an associated lighting feature

and that this lighting feature lights to identify the associated pressed block when said block is

depressed (Col 11, lines 40-50). Therefore, it would have been obvious to one of ordinary skill

in the art to provide a computer system, method, and teaching system in which the system

utilizes location sensors to identify an alphabetic character for each block resting at a particular

time in each of a plurality of block stations as disclosed by Marcus et al/Wasowicz in which each

block location that may be pressed by a user's finger has an associated lighting feature and that

this lighting feature lights to identify the associated pressed block when said block is depressed

as taught by Oren-Chazon for the purposes of providing visual feedback to a user that the desired

block choice was correctly selected.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Shapiro et al (US 5.788,503) for a discussion of locking block structures used for

teaching phoneme/sound correspondence.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John L Sotomayor whose telephone number is 703-305-4558.

The examiner can normally be reached on 6:30-4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jessica Harrison can be reached on 703-308-2217. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jls
June 23, 2004

JESSICA HARRISON
PRIMARY EXAMINER